

REMARKS

By the foregoing amendments, claims 1-13 are revised and new claim 14 is added to place this application in immediate condition for allowance. Currently, claims 1-14 are before the Examiner for consideration on their merits.

First, corrected Figures 6-9 are submitted herewith in a separate letter to the draftsperson and this should overcome the objection to the drawings.

Second, the specification has been revised in response to the objections raised in the Office Action.

In response to the objection that the subject matter of claim 13 is not found in the specification, the Examiner's attention is directed to page 2, lines 6-10 for support for this claim. Having addressed the other objections via amendment, the objection to the specification should be withdrawn.

Third, the Examiner has raised a number of issues of indefiniteness. Applicants submit that each and every issue is addressed either through amendment or argument and that all claims are now fully definite and the rejection should be withdrawn. The specific issues addressed are set out below.

1) Claim 1 is revised to clarify that the gasket and its support are claimed as a combination. Thus, there is no confusion as to what is now being claimed.

2) Applicants also traverse the allegation that defining the support as having at least one corner of small radius is somehow indefinite. The entire invention is directed at solving the problem of attaching a gasket to a support that has corners of tight radius.

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Defining the support as having such a small radius corner is not unclear when reading the claims in light of the specification, and the rejection in this regard is misplaced.

3. The instances of a lack of antecedent basis regarding the "corner" and "two pillars" have been resolved by the appropriate amendments.

4. The language of claim 6 is revised to clarify that the robot is positioning the gasket and this revision should remove any contention of indefiniteness.

5. Claim 8 is rewritten to make reference to the reinforcement or thread clear.

6. Claim 12 is revised to clarify that the operation is a thermoforming operation as explained on page 2, lines 27-32.

In light of the changes to the specification, abstract and claims, all of the objections/rejections raised in the Office Action have been fully addressed and overcome. Thus, these objections and rejections should be withdrawn.

Turning now to the prior art rejection, claim 1 is revised to clarify that it is the gasket and support that are claimed, and that the gasket is a single part with no interconnecting sections. Support for this change can be found on page 9, line 12, wherein the gasket is described as being made of a single part, for instance a single extruded part.

In the Office Action, the Examiner rejects claim 1 under 35 U.S.C. § 102(b) based on United States Patent No. 6,385,839 to Kawai et al. (Kawai). With the change to claim 1, it can now be argued that Kawai cannot establish a *prima facie* case of anticipation against claim 1 as amended. That is, Kawai does not teach the claimed single part gasket lacking any interconnecting segments. In contrast, Kawai teaches a gasket that has a "mold molding section 13 which is positioned on the corner section of the rear side upper

section; and one extrusion molding section 14 which is formed by extrusion molding. The mold molding section 13 is so formed as to connect both the ends of the extrusion molding section 14.”, see Figures 1 and 2 and col. 4, line 65 to col. 5, line 3.

Since Kawai does not teach a gasket without interconnecting parts as is now claimed, this reference cannot be said to anticipate claim 1. Therefore, the question remains as to whether Kawai can somehow be relied upon under 35 U.S.C. § 103(a) to obviate claim 1. It is contended that there is no basis for the Examiner to make such an allegation. The different interconnecting segments of Kawai are critical to its functionality and one of skill in the art would not eliminate the interconnecting parts. Such a modification could only be prompted by the instant disclosure and the Examiner cannot use Applicants' invention as a teaching template to support a rejection under 35 U.S.C. § 103(a). To make such an allegation would be the blatant use of hindsight and this kind of rejection could not be sustained on appeal.

It is also submitted that new claim 14 is separately patentable over the applied prior art. Claim 14 defines the elastically deformable base as having a base portion which extends substantially parallel to the fixing portion and which is connected thereto only at one end. Support for this amendment can be found on page 6, lines 5-10 of the specification.

Claim 14 raises the issue of whether Kawai teaches such a gasket. Kawai fails to disclose two features of claim 14. First, the base portion (unnumbered in the drawings) of the sealing portion 17 is always oblique with respect to the fixing portion 15. Thus, the

claim limitation that the base portion extends substantially parallel to the fixing portion is not found in Kawai.

Secondly, the fixing portion is connected to the base portion at two ends. Claim 14 states that the base portion is connected to the base portion at one end.

Lacking the features of claim 14, Kawai cannot be said to anticipate this claim. Therefore, the question remains as to whether Kawai could establish a *prima facie* case of obviousness against claim 14. Applicants contend that there is no basis to make such a rejection. First, why do so since there is no teaching or suggestion in Kawai to make such a change. While the Examiner could argue that it is merely a design choice to change the shape of the base portion and fixing portion, this is total speculation on the part of the Examiner, and smacks of hindsight now that the invention is known.

Moreover, the configuration of the gasket is beneficial, and these benefits are not suggested by Kawai. The feature of having the base portion substantially parallel to the fixing portion and connected at one end avoids permanent stressing of the adhesive and also improves the closure energy of the door, see page 6, lines 8-10 of the specification.

It should be also noted that the previously cited reference to Miura also lacks the features of claims 1 and 14.

To review, Kawai does not establish a *prima facie* case of anticipation against either of claim 1 or claim 14. Moreover, there is no legitimate basis to allege obviousness based on this prior art. Therefore, each of claim 1 and 14 are separately patentable over the applied prior art. Since claim 1 is patentable, its dependent claims are also in condition for allowance.

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Accordingly, the Examiner is respectfully requested to examine this application in light of this amendment, and pass all pending claims onto issuance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone or contact the undersigned using the information provided below.


Again, reconsideration and allowance of this application is respectfully requested.

The above constitutes a complete response to all issues raised in the Office Action dated February 22, 2007.

This Amendment is being filed with a RCE request so that it should be entered and considered by the Examiner.

While there are no fees dues for extension of time payments, and the RCE fee is addressed in the accompanying RCE transmittal form, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088 with regard to this application.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody", is written over a horizontal line.

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